

§ 380.11

transportation for operations in interstate and overseas air transportation.

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, 1102, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771, 788; 49 U.S.C. 1324, 1372, 1386, 1481, 1482)

[SPR-149, 43 FR 36604, Aug. 18, 1978, as amended by SPR-166, 44 PR 50832, Aug. 30, 1979; SPR-178, 46 FR 52598, Oct. 27, 1981; SPR-182, 47 FR 140, Jan. 5, 1982; SPR-188, 47 FR 19691, May 7, 1982]

§ 380.11 Payment to direct air carrier(s).

Except for air taxis, which are governed by § 298.38 of this chapter, the direct air carrier(s) shall be paid in full for the cost of the charter transportation (for both legs, if a round-trip charter) prior to the scheduled date of flight departure, as provided for in the basic charter regulations applicable to the direct air carrier(s) under parts 207, 208, 212, and 214 of this chapter, as the case may be.

[SPR-164, 44 FR 49445, Aug. 23, 1979]

§ 380.12 Cancellation by charter operator and notice to participants.

(a) The charter operator may not cancel a charter for any reason (including insufficient participation), except for circumstances that make it physically impossible to perform the charter trip, less than 10 days before the scheduled date of departure of the outbound trip.

(b) If the carrier operator cancels a charter 10 or more days before the scheduled date of departure, the operator must so notify each participant in writing within 7 days after the cancellation but in any event not less than 10 days before the scheduled departure date of the outbound trip. If a charter is canceled less than 10 days before scheduled departure (*i.e.*, for circumstances that make it physically impossible to perform the charter trip), the operator must get the message to each participant as soon as possible.

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 760, 766,

14 CFR Ch. II (1-1-98 Edition)

769, 771, 791; 49 U.S.C. 1301, 1324, 1371, 1372, 1374, 1377, 1381, 1386, and 1502)

[SPR-149, 43 FR 36604, Aug. 18, 1978, as amended by SPR-156, 44 FR 12978, Mar. 9, 1979]

§ 380.13 Prohibition on sale of round trips with open returns.

The charter operator shall not accept any participant's payment for return transportation unless the participant has specified a particular return flight.

§ 380.14 Unused space.

Nothing contained in this part shall preclude a charter operator from utilizing any unused space on an aircraft chartered by it for a Public Charter for the transportation, on a free or reduced basis, of such charter operator's employees, directors, and officers, and parents and immediate families of such persons, subject to the provisions of part 223 of this chapter.

§ 380.15 Substitution for charter participants.

Substitutes may be arranged for charter participants at any time preceding departure. Participants who provide the charter operator or its sales agent with a substitute participant, or who are substituted for by a participant found by the operator, shall receive a refund of all moneys paid to the operator, except that the operator may reserve the right to retain an administrative fee not to exceed \$25 for effecting the substitution.

§ 380.17 Charters conducted by educational institutions.

(a) This section shall apply only to charters conducted by educational institutions for charter groups comprised of bona fide participants in a formal academic course of study abroad which is of at least 4 weeks duration. The charter group may also include a student participant's immediate family (household members who are either married to or minor dependents of the student participant). Except as modified below, all terms and conditions of this part applicable to the operation of Public Charters shall apply to charters conducted by educational institutions.